

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JABBAR COLLINS,

Plaintiff,

-against-

JONATHAN LIPPMAN, individually,
and as Chief Administrative Judge
for New York City Office of Court
Administration; JAMES F.
IMPERATRICE, individually,
and as Chief Clerk of the
Criminal Term of the Supreme Court,
Kings County; and JOHN DOES 1-3,
individually, and as Justices of
the Supreme Court, Kings County,

Defendants.

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PRO SE

04 CV 3215 (FB) (LB)

**NOTICE OF MOTION TO
DISMISS**

PLEASE TAKE NOTICE that upon the accompanying

Memorandum of Law, dated December 6, 2004, the affidavit of James F. Imperatrice ("Imperatrice Aff."), sworn to on November 30, 2004, and all exhibits annexed thereto, the Declaration of Lisa Gharthey ("Gharthey Dec."), executed on December 6, 2004, and all exhibits annexed thereto, the undersigned will move this Court, by submission, at a date and time specified by the Court, at the United States Federal Courthouse located at 300 Quarropas Street, White Plains, New York 10601 for an Order Federal Rules of Civil Procedure ("Fed. R. Civ. P.") Rules 12(b)(1) and (6) or in the alternative Rule 12(c). The motion to dismiss should be granted upon the grounds that: (1) the proceeding is moot as plaintiff has received copies of all documents maintained by the Court in

Diaz; (2) the Court lacks subject matter jurisdiction over the claims pursuant to The Rooker-Feldman doctrine, the Eleventh Amendment of the United States Constitution; (3) the complaint fails to state a claim as the claims are barred by the principles of absolute judicial immunity and quasi judicial immunity; and (4) because the alleged facts are insufficient to state a claim against the defendants pursuant to 42 U.S.C. § 1983, as the claims are wholly without merit and the complaint can be dismissed as a matter of law. Fed. R. Civ. P. Rule 12(b)(6).

PLEASE BE FURTHER ADVISED that pursuant to Rules of the Court, opposition papers to this motion to dismiss must be served within two (2) weeks after service of this motion. Reply papers shall be served within five (5) business days after service of the opposition papers.

Dated: New York, New York
December 7, 2004

Respectfully submitted,
ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants

By: _____
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